

Amendment No. 4 to SB1139

**Davis L
Signature of Sponsor**

AMEND Senate Bill No. 1139

House Bill No. 872*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION 2. Tennessee Code Annotated, Section 12-10-115(a)(1), is amended by adding after the language "Except as provided in subsection (b)" the language "and subsection (c)".

SECTION 3. Tennessee Code Annotated, Section 12-10-115, is hereby amended by designating existing subsection (c) as subsection (d) and by adding the following as a new subsection (c):

(c) (1) Proceeds received from a lease, loan agreement, sales contract or operating contract with a public building authority or other contracting party under provisions of this chapter for school capital outlay purposes by a municipal corporation that is a county or metropolitan government within which an incorporated city, town or special school district operates a school system shall be shared with such incorporated city, town or special school district on the same basis as provided in Section 49-3-1003. The trustee of the county or the treasurer of the metropolitan government shall pay over to the treasurer of the incorporated city, town or special school district that amount of the proceeds which bears the same ratio to the entire amount of proceeds, net of all costs incurred in connection with the execution and delivery of the lease, loan agreement, sales contract or operating contract and any bonds or notes of the public building authority issued in connection with such lease, loan agreement, sales contract or operating agreement, as the average daily attendance of the year ending June 30

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immediately preceding the receipt of the proceeds of the respective incorporated city, town or special school district bears to the average daily attendance for the year ending June 30 immediately preceding the receipt of the proceeds of the entire county or metropolitan government.

(2) The governing body of such incorporated city, town or special school district may, by regularly adopted resolution, waive its right to all or a part of any funds due under the provisions of this subsection and return the funds to the trustee of the county or the treasurer of the metropolitan government for the purposes originally provided.

(3) The proceeds of any lease, loan agreement, sales contract or operating contract entered into for school capital outlay purposes shall not be required to be shared if the county or metropolitan government elects to provide for the levy and collection of the tax required pursuant to subsection (a) of this section only on that portion of the taxable property within the county or metropolitan government lying outside the territorial limits of the incorporated city, town or special school district that operates its own schools independently of the county or metropolitan government.

(4) Proceeds to be shared pursuant to this subsection shall be shared at the time of the receipt of the proceeds of the lease, loan agreement, sales contract or operating contract.

(5) The proceeds of any lease, loan agreement, sales contract or operating contract executed and delivered pursuant to this chapter to refund

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outstanding obligations issued by a county or metropolitan government for school capital outlay purposes shall not be required to be shared as provided herein, unless the outstanding obligations to be refunded are payable from taxes levied only upon a portion of the property within the county or metropolitan government lying outside the territorial limits of an incorporated city, town or special school district and the lease, loan agreement, sales contract or operating contract executed and delivered to accomplish such a refunding is payable from taxes to be levied on all taxable property in the county or metropolitan government.